

II. REMARKS/ARGUMENTS

Claims

Claims 1 and 20 have been amended to further distinguish the claimed invention over the prior art cited by the examiner, as discussed in detail below. No new matter has been added by these amendments, the subject matter being amply disclosed in the specification and figures. Claims 16-19, previously withdrawn due to a restriction requirement, have been canceled.

Interview

Applicants would like to thank Examiner Edell for his helpful suggestions during a personal interview on August 2, 2006. The substance of the interview was detailed in an Interview Summary dated August 2, 2006. The substance of the interview is reiterated below to satisfy the requirements of 37 C.F.R. § 1.133(b).

Prior to the interview, applicants submitted a proposed amendment to Claim 1 and supporting remarks to the examiner via a fax transmitted July 26, 2006.

During the interview the proposed amendments to Claims 1 and 20 were discussed, the amendments reciting an anchor member having a single seat cushion pivot coupled between the seat cushion and a structural portion of the vehicle such that the seat cushion is pivotable about a rearward portion of the seat cushion. The examiner agreed that the Dawson, et al. reference (U.S. Pat. No. 5,984,397) fails to teach the proposed limitation, and indicated that favorable consideration will be given the proposed amendment pending further search of the relevant art.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 8, 9, and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,984,397 to Dawson et al. ("Dawson").

In accordance with the agreement reached in the personal interview of August 2, 2006 with Examiner Edell, applicants have amended independent Claim 1 to more clearly distinguish the claimed invention from the cited reference. In particular, Claim 1 has been amended to include a limitation wherein an anchor member having a single seat cushion pivot is coupled between the seat cushion and a structural portion of the vehicle floor such that the seat cushion is pivotable about the rearward portion of the seat cushion.

Dawson discloses a stowable seat having a retractable support leg (36). The seat is anchored to a sidewall of a vehicle and is partially supported by the support leg when the seat is in an extended position. With reference to Dawson Fig. 3, the anchor comprises a pair of seat cushion pivots (25, 76) coupled to opposing ends of an anchor leg (21), a first pivot (25) being attached to the sidewall of the vehicle and the second (76) being attached to the seat frame (60). When the seat is moved to a stowed position proximate the sidewall the first pivot moves in a direction "A" such that the anchor leg pivots upwardly, while the second pivot moves in an opposing direction "B" such that the seat cushion pivots downwardly. The support leg, which is mechanically coupled to the second pivot by a link (85), folds into the seat cushion as the seat cushion is pivoted downwardly. Conversely, when the seat is moved from a stowed position to an extended position the support leg moves from a stowed position to an extended position as the seat cushion is pivoted upwardly about the second pivot.

In contrast, applicants' claimed invention comprises an anchor having a single, floor-mounted seat cushion pivot that is attached to the seat such that the seat cushion is pivotable about its rearward portion. Furthermore, the support leg of applicants' claimed invention moves with an opposite action and in a direction transverse to that of the Dawson reference, folding to a stowed position when the seat cushion is pivoted upwardly about the pivot and unfolding to an extended position when the seat cushion is moved downwardly about the pivot. The vehicle seat disclosed by Dawson fails to teach at least these features of the claimed invention.

Because the Dawson patent fails to disclose a vehicle seat having the features of amended Claim 1, applicants submit that Claim 1 is now allowable over the cited art. Claims 2, 3, 8, 9 and 12-15 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2, 3, 8, 9 and 12-15 are also now allowable.

Claim Rejections – 35 U.S.C. § 103

Claims 4, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dawson in view of U.S. Pat. No. 5,826,942 to Sutton et al. ("Sutton"). With regard to Claim 4, the examiner notes that Dawson fails to teach a seat wherein a headrest is pivotably coupled to a seatback, but the examiner asserts that such a headrest

is disclosed by Sutton, the combination of Dawson and Sutton rendering this claim obvious. Applicants submit that amended Claim 1, from which Claim 4 depends, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claim 4 adds limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claim 4 is patentably distinct from the combination of Dawson and Sutton.

Similarly, with regard to Claim 10, the examiner notes that Dawson fails to teach a pivotable headrest that is releasably retained by a latch that is in turn actuable by a lever, but the examiner asserts that such a headrest is disclosed by Sutton, the combination of Dawson and Sutton rendering this claim obvious. Applicants submit that amended Claim 1, from which Claim 10 depends, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claim 10 adds limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claim 10 is patentably distinct from the combination of Dawson and Sutton.

Likewise, with regard to Claim 11, the examiner notes that Dawson fails to teach a seat wherein the headrest is releasably retained in either an extended or a retracted position, but the examiner asserts that such a headrest is disclosed by Sutton, the combination of Dawson and Sutton rendering this claim obvious. Applicants submit that amended Claim 1, from which Claim 11 ultimately depends, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claim 11 adds limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claim 11 is patentably distinct from the combination of Dawson and Sutton.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dawson in view of U.S. Pat. No. 5,707,103 to Balk (“Balk”). With regard to Claim 6, the examiner notes that Dawson fails to teach a seat cushion that is releasably retained by a latch that is in turn actuable by a lever so that the seat cushion can be pivoted, but the examiner asserts that such a seat cushion is disclosed by Balk, the combination of Dawson and Balk rendering this claim obvious. Applicants submit that amended Claim 1, from which Claim 6 depends, is patentable over the cited art for the reasons given

above (see “35 U.S.C. § 102 Rejections”). Since Claim 6 adds limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claim 6 is patentably distinct from the combination of Dawson and Balk.

Similarly, with regard to Claim 7, the examiner notes that Dawson fails to teach a seat cushion that is releasably retained in either a horizontal position or a vertical position, but the examiner asserts that such a seat cushion is disclosed by Balk, the combination of Dawson and Balk rendering this claim obvious. Applicants submit that amended Claim 1, from which Claim 7 ultimately depends, is patentable over the cited art for the reasons given above (see “35 U.S.C. § 102 Rejections”). Since Claim 7 adds limitations to those of Claim 1 that further distinguish the claimed invention from the prior art, applicants submit that Claim 7 is patentably distinct from the combination of Dawson and Balk.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Dawson in view of Sutton, and further in view of Balk. The examiner notes that Dawson fails to teach a movable headrest, but the examiner asserts that a movable headrest is disclosed by Sutton, as detailed above for Claims 4, 10 and 11. The examiner further notes that the combination of Dawson and Sutton do not teach seat cushion having a lever to release a seat cushion latch, but the examiner asserts that Balk discloses such a seat cushion, as detailed above for Claims 6 and 7.

In accordance with the agreement reached in the personal interview of August 2, 2006 with Examiner Edell, applicants have amended independent Claim 20 to more clearly distinguish the claimed invention from the cited reference. The vehicle seat of amended Claim 20 includes a seat cushion having a forward support leg pivotably coupled to the bottom portion of the seat and adapted to contact the floor of the vehicle when the seat cushion is generally horizontal. An anchor member having a single seat cushion pivot coupled between the seat cushion and a structural portion of the vehicle such that the seat cushion is pivotable about a rearward portion of the seat. A seatback having a movable headrest is also pivotably coupled to the anchor member. The forward support leg automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly, and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat

cushion is pivoted downwardly. Neither Dawson, Sutton nor Balk, separately or in combination, teach at least these features of the claimed invention. Accordingly, applicants submit that Claim 20 is patentably distinct from the combination of Dawson, Sutton and Balk.

As a general note, applicants would like to point out that there is no suggestion or motivation in either the references or the art to modify or combine elements of the vehicle seats disclosed therein to realize the features of applicants' claimed invention. For example, modifying or combining elements of the seat cushion pivots of any or all of Dawson, Sutton and Balk would not result in the anchor member of applicants' claimed invention, as Dawson discloses a pair of seat cushion pivots coupled to opposing ends of an anchor leg as discussed above, Sutton discloses a forwardly-pivoted seat cushion (14) (Sutton Fig. 2) and Balk discloses dual-axis pivots (18, 28, 38) (Balk Fig. 3). In addition, modifying or combining any or all of Dawson, Sutton and Balk would result in seat cushions and seatbacks attached either to the seat cushion frame or to separate anchors, whereas applicants' claimed invention utilizes a single anchor member for both the seat cushion and the seatback. Accordingly, applicants submit that amended Claims 1-4, 6-15 and 20 of the pending application are patentable over all the prior art of record.

III. CONCLUSION

It is noted that the examiner has cited but not applied U.S. Pat. Nos. 5,671,948 and 6,742,841 against applicants' claimed invention. Apparently, the examiner has concluded that the unasserted art, whether considered in part or in combination, neither anticipates nor renders obvious applicants' claimed invention.

For the reasons discussed above, applicants submit that amended Claims 1-4, 6-15 and 20 of the pending application are patentable over all the prior art of record. It is believed that the application is now in form for allowance and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,

/Michael A. Forhan/

Michael A. Forhan, Reg. No. 46,706
Eley Law Firm Co.
Attorneys at Law
7870 Olentangy River Road
Suite 311
Columbus, Ohio 43235
Telephone (614) 825-3539
Facsimile (614) 825-9590
Email: mforhan@eleylaw.com